

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 303, As Amended in the Senate, As Amended in the Senate

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1004, IDAHO CODE, TO
2 REVISE PROVISIONS RELATING TO INSTRUCTIONAL STAFF ALLOWANCE;
3 AND AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION
4 OF A NEW SECTION 33-1619, IDAHO CODE, TO PROVIDE THAT SCHOOL
5 DISTRICTS MAY OFFER VIRTUAL SCHOOL INSTRUCTION, TO PROVIDE THAT
6 SCHOOL DISTRICTS MAY OFFER A BLEND OF VIRTUAL AND TRADITIONAL
7 INSTRUCTION AND TO PROVIDE FOR THE COUNTING AND REPORTING
8 OF AVERAGE DAILY ATTENDANCE; AND TO PROVIDE FOR ALTERNATIVE
9 USES OF CERTAIN SCHOOL BUILDING MAINTENANCE FUNDS; REPEALING
10 SECTION 33-1004, IDAHO CODE, RELATING TO STAFF ALLOWANCE;
11 AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF
12 A NEW SECTION 33-1004, IDAHO CODE, TO PROVIDE THE METHOD OF
13 DETERMINING STAFF ALLOWANCE FOR EACH SCHOOL DISTRICT, TO
14 PROVIDE ADDITIONAL CONDITIONS GOVERNING STAFF ALLOWANCE AND
15 TO PROVIDE FOR A WAIVER AUTHORIZING SUFFICIENT ADDITIONAL STAFF;
16 AND TO PROVIDE EFFECTIVE DATES.
17

18 Be It Enacted by the Legislature of the State of Idaho:

19 SECTION 1. That Section 33-1004, Idaho Code, be, and the same is hereby amended to
20 read as follows:

21 33-1004. STAFF ALLOWANCE. For each school district, a staff allowance shall be
22 determined as follows:

23 (1) Using the daily attendance reports that have been submitted for computing
24 the February 15 apportionment of state funds as provided in section 33-1009, Idaho
25 Code, determine the total support units for the district in the manner provided in section
26 33-1002(6)(a), Idaho Code;

27 (2) Determine the instructional staff allowance by multiplying the support units by 1.1.
28 A district must demonstrate that it actually employs the number of certificated instructional
29 staff allowed, except as provided in subsection (5)(f) and (g) of this section. If the district
30 does not employ the number allowed, the staff allowance shall be reduced to the actual number
31 employed, except as provided in subsection (5)(f) and (g) of this section;

32 (3) Determine the administrative staff allowance by multiplying the support units by
33 .075;

34 (4) Determine the classified staff allowance by multiplying the support units by .375;

35 (5) Additional conditions governing staff allowance:

36 (a) In determining the number of staff in subsections (2), (3) and (4) of this section,
37 a district may contract separately for services to be rendered by nondistrict employees
38 and such employees may be counted in the staff allowance. A "nondistrict employee"

1 means a person for whom the school district does not pay the employer's obligations for
 2 employee benefits. When a district contracts for the services of a nondistrict employee,
 3 only the salary portion of the contract shall be allowable for computations.

4 (b) If there are circumstances preventing eligible use of staff allowance to which a
 5 district is entitled as provided in subsections (2) and (3) of this section, an appeal may be
 6 filed with the state department of education outlining the reasons and proposed alternative
 7 use of these funds, and a waiver may be granted.

8 (c) For any district with less than forty (40) support units:

9 (i) The instructional staff allowance shall be calculated applying the actual
 10 number of support units. If the actual instructional staff employed in the school
 11 year is greater than the instructional staff allowance, then the instructional staff
 12 allowance shall be increased by one-half (1/2) staff allowance; and

13 (ii) The administrative staff allowance shall be calculated applying the actual
 14 number of support units. If the actual administrative staff employed in the school
 15 year is greater than the administrative staff allowance, then the administrative staff
 16 allowance shall be increased by one-half (1/2) staff allowance.

17 (iii) Additionally, for any district with less than twenty (20) support units, the
 18 instructional staff allowance shall be calculated applying the actual number of
 19 support units. If the number of instructional staff employed in the school year is
 20 greater than the instructional staff allowance, the staff allowance shall be increased
 21 as provided in paragraphs (i) and (ii) of this subsection, and by an additional
 22 one-half (1/2) instructional staff allowance.

23 (d) For any school district with one (1) or more separate secondary schools serving
 24 grades nine (9) through twelve (12), the instructional staff allowance shall be increased by
 25 two (2) additional instructional staff allowances for each such separate secondary school.

26 (e) Only instructional, administrative and classified personnel compensated by the
 27 school district from the general maintenance and operation fund of the district shall be
 28 included in the calculation of staff allowance or in any other calculations based upon
 29 staff, including determination of the experience and education multiplier, the reporting
 30 requirements, or the district's salary-based apportionment calculation. No food service
 31 staff or transportation staff shall be included in the staff allowance.

32 (f) A district may utilize up to five percent (5%) of the moneys associated with positions
 33 funded pursuant to subsection (2) of this section to defray the cost of providing virtual
 34 education coursework, including virtual dual credit coursework, without a reduction in the
 35 number of funded positions being imposed.

36 (g) For the period July 1, 2009, through June 30, 2011, only, a district may shift up
 37 to two and sixty-three hundredths percent (2.63%) of the positions funded pursuant to
 38 subsection (2) of this section to federal funds, without a reduction in the number of
 39 funded positions being imposed.

40 (6) In the event that the staff allowance in any category is insufficient to meet
 41 accreditation standards, a district may appeal to the state board of education, demonstrating the
 42 insufficiency, and the state board may grant a waiver authorizing sufficient additional staff to
 43 be included within the staff allowance to meet accreditation standards. Such a waiver shall be
 44 limited to one (1) year, but may be renewed upon showing of continuing justification.

1 SECTION 2. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended
2 by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1619,
3 Idaho Code, and to read as follows:

4 33-1619. VIRTUAL EDUCATION PROGRAMS. School districts may offer instruction
5 in the manner described for a virtual school in section 33-5202A, Idaho Code. For programs
6 meeting such definition, the school district may count and report the average daily attendance
7 of the program's students in the manner prescribed in section 33-5208(8)(b), Idaho Code.
8 School districts may also offer instruction that is a blend of virtual and traditional instruction.
9 For such blended programs, the school district may count and report the average daily
10 attendance of the program's students in the manner prescribed in section 33-5208(8)(b), Idaho
11 Code. Alternatively, the school district may count and report the average daily attendance of
12 the blended program's students in the same manner as provided for traditional programs of
13 instruction, for the days or portions of days in which such students attend a physical public
14 school. For the balance of days or portions of days, average daily attendance may be counted
15 in the manner prescribed in section 33-5208(8)(b), Idaho Code.

16 SECTION 3. The provisions of Section 33-1019, Idaho Code, notwithstanding, for
17 the period July 1, 2009, through June 30, 2010, only, an amount of local maintenance match
18 moneys normally required to be allocated for the maintenance and repair of student-occupied
19 buildings may be spent on other one-time, nonpersonnel costs, at the discretion of the school
20 district. Said amount shall be determined by the State Department of Education as follows:

21 (a) Subtract from the local maintenance match requirement all plant facility levy funds
22 levied for tax year 2009.

23 (b) Subtract from the balance of any funds remaining after the subtraction provided
24 for in subsection (a) of this section, any additional funds necessary to fully remediate
25 all recommendations and code violations identified in the most recent inspection of each
26 student-occupied building conducted by the Division of Building Safety, excluding any
27 recommendations for which the least expensive remediation solution is the replacement of the
28 building.

29 (c) Divide the balance of any funds remaining after the calculation provided for in
30 subsection (b) of this section, by two (2).

31 School districts shall furnish information pursuant to the provisions of this section, as
32 may be required by the State Department of Education.

33 SECTION 4. That Section 33-1004, Idaho Code, be, and the same is hereby repealed.

34 SECTION 5. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended
35 by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1004,
36 Idaho Code, and to read as follows:

37 33-1004. STAFF ALLOWANCE. For each school district, a staff allowance shall be
38 determined as follows:

39 (1) Using the daily attendance reports that have been submitted for computing
40 the February 15 apportionment of state funds as provided in section 33-1009, Idaho
41 Code, determine the total support units for the district in the manner provided in section
42 33-1002(6)(a), Idaho Code;

1 (2) Determine the instructional staff allowance by multiplying the support units by 1.1.
2 A district must demonstrate that it actually employs the number of certificated instructional
3 staff allowed. If the district does not employ the number allowed, the staff allowance shall be
4 reduced to the actual number employed;

5 (3) Determine the administrative staff allowance by multiplying the support units by
6 .075;

7 (4) Determine the classified staff allowance by multiplying the support units by .375;

8 (5) Additional conditions governing staff allowance:

9 (a) In determining the number of staff in subsections (2), (3) and (4) of this section,
10 a district may contract separately for services to be rendered by nondistrict employees
11 and such employees may be counted in the staff allowance. A "nondistrict employee"
12 means a person for whom the school district does not pay the employer's obligations for
13 employee benefits. When a district contracts for the services of a nondistrict employee,
14 only the salary portion of the contract shall be allowable for computations.

15 (b) If there are circumstances preventing eligible use of staff allowance to which a
16 district is entitled as provided in subsections (2) and (3) of this section, an appeal may be
17 filed with the state department of education outlining the reasons and proposed alternative
18 use of these funds, and a waiver may be granted.

19 (c) For any district with less than forty (40) support units:

20 (i) The instructional staff allowance shall be calculated applying the actual
21 number of support units. If the actual instructional staff employed in the school
22 year is greater than the instructional staff allowance, then the instructional staff
23 allowance shall be increased by one-half (1/2) staff allowance; and

24 (ii) The administrative staff allowance shall be calculated applying the actual
25 number of support units. If the actual administrative staff employed in the school
26 year is greater than the administrative staff allowance, then the administrative staff
27 allowance shall be increased by one-half (1/2) staff allowance.

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29 instructional staff allowance shall be calculated applying the actual number of
30 support units. If the number of instructional staff employed in the school year is
31 greater than the instructional staff allowance, the staff allowance shall be increased
32 as provided in paragraphs (i) and (ii) of this subsection, and by an additional
33 one-half (1/2) instructional staff allowance.

34 (d) For any school district with one (1) or more separate secondary schools serving
35 grades nine (9) through twelve (12), the instructional staff allowance shall be increased by
36 two (2) additional instructional staff allowances for each such separate secondary school.

37 (e) Only instructional, administrative and classified personnel compensated by the
38 school district from the general maintenance and operation fund of the district shall be
39 included in the calculation of staff allowance or in any other calculations based upon
40 staff, including determination of the experience and education multiplier, the reporting
41 requirements, or the district's salary-based apportionment calculation. No food service
42 staff or transportation staff shall be included in the staff allowance.

43 (6) In the event that the staff allowance in any category is insufficient to meet
44 accreditation standards, a district may appeal to the state board of education, demonstrating the
45 insufficiency, and the state board may grant a waiver authorizing sufficient additional staff to

1 be included within the staff allowance to meet accreditation standards. Such a waiver shall be
2 limited to one (1) year, but may be renewed upon showing of continuing justification.

3 SECTION 6. Sections 1 and 2 of this act shall be in full force and effect on and after
4 July 1, 2009. Sections 4 and 5 of this act shall be in full force and effect on and after July 1,
5 2011.